

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

VALERIE C. SCHMITZ, individually and
as Personal Representative of the ESTATE
OF DAVID J. SCHMITZ, deceased,

Plaintiffs,

vs.

LOCKHEED MARTIN CORPORATION,
ROCKWELL COLLINS, INC.,
TELEDYNE RISI, INC., d/b/a
TELEDYNE ELECTRONIC SAFETY
PRODUCTS, and TELEDYNE RISI,
INC., d/b/a TELEDYNE ENERGETICS,
and TELEDYNE TECHNOLOGIES, INC.

Defendants.

CASE NO.: 3:22-CV-02419-MGL

JOINT STATUS REPORT

The Plaintiff and Defendants in this action jointly provide this status report pursuant to the order dated 8.24.23 (ECF 83), which stayed this action to allow for the resolution of the related case 3:23-cv-04090-MGL. In the related case, the Plaintiff, Valerie C. Schmitz, Individually and as Personal Representative of the Estate of David J. Schmitz, has filed a complaint against the United States Air Force and the United States Department of Defense. In her complaint, the Plaintiff seeks to obtain the materials requested from the Defendants via the Freedom of Information Act and a Touhy Request. Defendants filed an Answer on 10.11.23 (ECF 9) stating numerous defenses. The parties agreed to and filed a Joint 26(f) Report (ECF 14), wherein a Proposed Consent Amended Scheduling Order was submitted that establishes a deadline of January 15, 2024, for the parties to "...[M]eet and confer concerning Plaintiff's priority records requests and a production schedule. The parties shall

file a proposed production schedule, including a schedule for any challenges Plaintiff may raise to the scope of documents produced by Defendants...”

The parties in that matter conferred and requested that the scheduling order be stayed as production continued with the parties providing updates to the Court on the progress on a regular basis.

On November 6, 2023, the USAF produced 3,231 pages of documents that are responsive to FOIA 2022-05021-F, which was served by the Teledyne Defendants in this above-captioned case. The Response Memo that accompanied the production states that the documents are also responsive to portions of the Touhy Request. The correspondence accompanying the response states that the Touhy Request is being processed, has been disseminated among the appropriate release authorities, and that, “...due to the breadth of requests and numerosity of potential responsive records (millions of pages) it is taking some time to process.”

Since December, the USAF has produced two further batches of documents and with assurances from the Department of Justice, the USAF is currently processing more documents for release, however, the DOJ could not commit to a timeframe on when full production or near full production would be complete.

Counsel for the parties in this case have conferred and are in agreement, with the Court’s permission, that the stay in this case remain in place while the USAF continues to produce responsive documents. Even with the stay in place, the parties are actively involved in discovery that would not include reliance on the USAF production. The parties would further provide a joint status report in 90 days to update the Court on the production from the USAF.

February 20, 2024

Respectfully submitted,

s/ James R. Brauchle

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